



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/519,232

12/27/2004

Ya'akov Greenshpan

543

9702

77345

7590

06/27/2008

DR. D. GRAESER LTD.

9003 FLORIN WAY

UPPER MARLBORO, MD 20772

EXAMINER

MUSSELMAN, TIMOTHY A

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

06/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/519,232	Applicant(s) GREENSHPAN ET AL.	
	Examiner TIMOTHY MUSSELMAN	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to applicant's preliminary amendment filed 10/31/2007, claims 1-22 remain pending in this application and new claims 23-47 have been added and are also pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the relevant portion of 35 U.S.C. 102 that forms the basis for the rejections made in this section of the office action;

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States.

Claims 1-33, 36-37, and 40-47 are rejected under 35 U.S.C. 102(b) as being anticipated by Silva et al. (US 4,751,642).

Regarding claim 1, Silva discloses a sports psychology training cognitive system that comprises presenting a user with a plurality of tasks. See col. 4: 5-12. Note that the task of kicking the field goal in this citation is broken down into a plurality of smaller tasks. Silva further discloses determining a training strategy and constructing a trainer to carry out the training scenario. See col. 4: 15-27. Silva also discloses wherein the apparatus does not require complete fidelity to the task. See col. 5: 43-63.

Regarding claims 2 and 6, Silva discloses wherein the system comprises at least one physical action different from the real performance of the simulated task. See col. 5: 28-32.

Regarding claims 3-7 and 10, Silva discloses wherein the plurality of task actions are analyzed and mapped to the plurality of cognitive skills. See col. 5: 35-55. Note the various steps and interactions involved in kicking the field goal require coordination between the actions (i.e. they must be in order).

Regarding claim 8, Silva further discloses iteratively adjusting the training strategy and the plurality of actions in a heuristic fashion. See col. 2: 29-50.

Regarding claim 11, Silva further discloses wherein the sequence of tasks involves performing cognitive tasks in combination. See col. 6: 1-20.

Regarding claim 12, Silva further discloses wherein the system involves selecting at least one input and one output device. See col. 6: 1-25.

Regarding claim 13, Silva further discloses wherein the system comprises determining a plurality of basic skills pertaining to the tasks and combines these skills into a profile for training the subject. See col. 6: 15-21.

Regarding claims 14 and 15, Silva discloses wherein the trainer is constructed according to models of specific tasks to be completed. See col. 6: 29-33.

Regarding claims 16-18 and 21-22, Silva discloses a system for training a user in a controlled process to complete a sports task comprising at least one hardware input and hardware output device for interacting with the subject. See col. 6: 1-25. Silva discloses a plurality of instructions for controlling the hardware I/O devices and wherein the operation of the system is adjusted according to the interaction of the user with the device. See col. 2: 29-50. Silva further discloses wherein the system does not require complete fidelity to the task. See col. 5: 43-63. Silva further discloses wherein the interactions are developed to train the user in a cognitive skill. See col. 4: 15-27. Silva further discloses wherein the

Art Unit: 3714

plurality of task actions with the I/O devices are analyzed and mapped to the plurality of cognitive skills and strategies. See col. 5: 35-55. Silva further discloses constructing a trainer for carrying out the training strategies. See col. 6: 29-33.

Regarding claims 19-20 and 30-33, Silva discloses wherein the system comprises sports related activities that involve the handling of an American football. See col. 6: 1-15.

Regarding claim 23, Silva discloses wherein the mapping of the cognitive skills is performed automatically. See col. 6: 20-25.

Regarding claims 24-25, and 40-41, Silva discloses determining a training plan for training the subject with the trainer regarding various parameters pertaining to task related skills including strategies and motor schemas (i.e. motions needed to create particular football velocities, trajectories, etc.). See col. 6: 1-15.

Regarding claim 26, Silva discloses assigning a weight to various parameters. See col. 6: 15-20.

Regarding claims 27 and 28, Silva further discloses wherein the system involves selecting at least one input and one output device. See col. 6: 1-25.

Regarding claims 29, Silva discloses wherein the device is calibrated during an operation of the trainer. See col. 6: 8-12.

Regarding claim 36, Silva discloses wherein the strategy comprises characterizing the user. See col. 6: 20-23.

Regarding claims 42-43, Silva discloses wherein the training programs are combinations of various task components (building blocks) designed to develop target cognitive skills. See col. 6: 1-20.

Regarding claims 44-45, Silva discloses wherein the plurality of task actions are analyzed and mapped to the plurality of cognitive skills automatically. See col. 5: 35-55 and col. 6: 20-23.

Regarding claims 46-47, Silva discloses wherein the system presents stimuli to the user, and the stimuli can be edited to pertain to various parameters. See col. 6: 20-33.

Claim Rejections - 35 USC § 103

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Claims 34 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva et al. (US 4,751,642) in view of Aldridge (US 2002/0037759).

Regarding claim 34, Silva discloses wherein the system can be used to train for a variety of sports (see col. 6: 25-29), but does not teach wherein one of those sports is karate. However, Aldridge teaches of a sport training device that measures physical performance parameters that includes a karate scenario. See paragraph 0011. It would have been obvious to one of ordinary skill in the art to include karate scenarios in the system of Silva as taught by Aldridge, because the system of Silva is expandable to

Art Unit: 3714

many sports and the expansion to include karate would be a combination of elements known in the art and would not produce any unexpected results beyond those established by Aldridge.

Regarding claim 35, Silva discloses wherein the event is a team activity. See col. 6: 1-20 and note that the kicker and the place holder are involved in the training scenario.

Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silva et al. (US 4,751,642) in view of Reichert (US 4,341,383).

Regarding claims 38 and 39, Silva discloses wherein the system can be used to train for a variety of sports (see col. 6: 25-29), but does not teach wherein one of those sports is basketball or wherein it involves perception of distance from a basket (claim 38) or perception of a free teammate. However, Reichert teaches of a basketball simulation device that includes these basketball scenarios. See col. 4: 1-15. It would have been obvious to one of ordinary skill in the art to include basketball scenarios in the system of Silva as broadly taught by Reichert, because the system of Silva is expandable to many sports and the expansion to include basketball would be a combination of elements known in the art of sport simulations and would not produce any unexpected results beyond those established by Reichert.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571)272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Acting Examiner of Art Unit 3714

/ROBERT E PEZZUTO/
Supervisory Primary Examiner
Art Unit 3714